

Amendment No. 2 to SB2453

Watson
Signature of Sponsor

AMEND Senate Bill No. 2453*

House Bill No. 2618

by adding the following new language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 63-27-103, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) The board shall be composed of four (4) members who are respiratory care practitioners holding a credential from the National Board for Respiratory Care, at least two (2) of whom shall be registered respiratory therapists; one (1) member who is a currently practicing physician having expertise in pulmonary medicine; one (1) member who is a hospital administrator; one (1) member who is a hospital employee licensed as a registered respiratory therapist; and one (1) citizen member who is not commercially or professionally associated with the health care field, either directly or indirectly.

SECTION __. Tennessee Code Annotated, Section 63-27-103, is further amended by adding the following language as a new subsection (d) and by redesignating present subsection (d) and all subsequent subsections accordingly:

(d)

(1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the board:

(A) Any person registered as a lobbyist pursuant to the registration requirements of title 3, chapter 6 who is subsequently appointed or otherwise named as a member of the board shall terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated by the board, prior to serving as a member of the board. The provisions of this

subdivision (1)(A) shall apply to all persons appointed or otherwise named to the board after July 1, 2010;

(B) No person who is a member of the board shall be permitted to register or otherwise serve as a lobbyist pursuant to title 3, chapter 6 for any entity whose business endeavors or professional activities are regulated by the board during such person's period of service as a member of the board. The provisions of this subdivision (1)(B) shall apply to all persons appointed or otherwise named to the board after July 1, 2010, and to all persons serving on the board on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the board shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the board for one (1) year following the date such person's service on the board ends. The provisions of this subdivision (1)(C) shall apply to persons serving on the board as of July 1, 2010 and to persons appointed to the board subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in title 3, chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

SECTION __. Tennessee Code Annotated, Section 63-27-103(n), is amended by deleting the last sentence in its entirety and by substituting instead the following:

The board may consult with respiratory care professional organizations in the development of any additional regulations.

SECTION __. The provision in this act prohibiting a citizen who is directly or indirectly associated with the health care field from serving on the board shall apply to all citizen member appointments made to the board after July 1, 2010.